

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
3:93-CR-028-1H  
3:97-CV-973-H

KENNETH B. KUBINSKI,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
	)	
UNITED STATES OF AMERICA,	)	
Respondent.	)	


This matter is before the court, on Petitioner's Motion to Alter or Amend Judgment [DE #54] requesting the court vacate its April 3, 2013, order, denying petitioner's motion to correct.

Courts have generally recognized three grounds for altering or amending judgments. See Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). Specifically, courts will alter or amend "an earlier judgment: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Id.

The court has carefully reviewed petitioner's motion to alter or amend, as well as the record in this matter, and finds no reason to alter or amend its judgment.

Accordingly, the court DENIES petitioner's motion to alter or amend [DE #54].

This 16<sup>th</sup> day of May 2013.



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MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
#26